

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Violent Television Programming	)	MB Docket No. 04-261
And Its Impact on Children	)	

COMMENTS OF THE  
SATELLITE BROADCASTING AND  
COMMUNICATIONS ASSOCIATION

Satellite Broadcasting and  
Communications Association

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The Satellite Broadcasting Communications Association (“SBCA”) herein submits its comments before the Federal Communications Commission (“FCC” or “Commission”) in response to the above referenced Notice of Inquiry (“NOI”).<sup>1</sup> SBCA is the national trade association that represents the various industry sectors that are engaged in the delivery of television, radio and broadband services directly to consumers via satellite. The members of the Association include the C-Band and Direct Broadcast Satellite (DBS) carriers and distributors that provide television programming and broadband service directly to consumers; the programming services that offer entertainment, news and sports to consumers over satellite platforms; satellite equipment manufacturers and distributors; and satellite dealers and retail firms that sell systems directly in the consumer marketplace.

SBCA, acting on behalf of its DBS members, has a direct interest in any action the Commission takes regarding programming requirements because our members are

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<sup>1</sup> *Violent Television Programming And Its Impact on Children*, 19 FCC Rcd. 14394 (2004) (“NOI”).

involved both in program distribution to consumers, as well as the technological development of satellite video delivery systems. SBCA commends the Commission for publicly addressing such a sensitive and complex topic and is pleased to inform the Commission of the extensive efforts its members have taken to give satellite subscribers control over the programming entering their households. These efforts demonstrate that the DBS industry is addressing the concerns underlying this NOI by empowering and educating consumers on the wealth of options they already possess to control programming, making any regulation unnecessary as a policy matter. Further, there are a number of jurisdictional and constitutional hurdles to any regulation of the content of satellite delivered programming that would necessarily and substantially circumscribe the Commission's authority in this area. As this proceeding is a Notice of Inquiry only, SBCA does not address those many legal obstacles to a regulatory response herein and reserves its rights to do so at a later time. Instead, SBCA would like to take this opportunity to help the Commission develop a record of the satellite industry's investment in far-reaching measures to respond to consumers' concerns about programming content through innovative marketplace solutions. Consumers want to have control over their viewing options and DBS has responded to their wishes.

The Commission in its NOI specifically seeks comment on the use of the V-Chip and TV Parental Guidelines as tools to help parents and viewers screen out violence.<sup>2</sup> Since its inception in 1994, the DBS industry has incorporated parental control functionality in all set-top boxes. Through time and technological advances, such parental control functionality has expanded, become more user-friendly, added additional control parameters and now incorporates the Motion Picture Association of America's

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<sup>2</sup> NOI at ¶ 17.

(“MPAA”) ratings and parental guidelines and the TV industry’s TV Rating Guidelines as control parameters. Although the DBS industry is not prescribed by Congress or the FCC to institute special parental controls on programming, the DBS industry has taken the initiative to add such features to their platform systems in anticipation of consumer demands.

All major video platform providers, DIRECTV, DISH Network, and VOOOM, institute parental control functionality into their set-top boxes and provide accompanying customer education to subscribers on websites, through customer service, and through Public Service Announcements. Generally, all DBS set-top boxes include similar functionality to control viewing options. This includes specific channel blocking, time and date based channel blocking, blocking based on TV Ratings, blocking based on MPAA Ratings, and the suppression of adult programming titles and channels in the online program listing guide. The programming of the controls and access to blocked programming is secured with a personal identification number (PIN) and access code.

For example, DIRECTV features the Locks and Limits technology built into the equipment. The Locks and Limits feature restricts access to movies based on the MPAA rating system and blocks the viewing of entire channels.<sup>3</sup>

DISH Network offers parents control over the programming entering their homes through its software feature, “Adult Guard.” The Adult Guard feature takes advantage of the built-in V-chip-type technology in satellite receivers to offer the ability to control the programming viewed through the electronic programming guide.<sup>4</sup>

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<sup>3</sup> See <http://www.directv.com/DTVAPP/learn/LocksLimits.dsp>.  
See [http://www.dishnetwork.com/content/programming/parental\\_control/index.shtml](http://www.dishnetwork.com/content/programming/parental_control/index.shtml).

The VOOM set-top box supports PIN-based parental controls that allow subscribers to block entire channels and individual programs that are assigned an MPAA or TV Parental Guidelines Monitoring Board rating. Parental control settings are stored in the box's memory and are preserved even when the box is rebooted and turned off.<sup>5</sup>

As demonstrated above, controlling access to channels and individual programs for DBS subscribers is a straightforward process. Subscribers simply create a PIN and, through the user-friendly programming guide, choose any of the channels or categories of rated programs (e.g., R, NC-17, TV-G, TV-Y7) they wish to automatically lock. If the channel or content is locked, the program audio mutes, video is grayed-out, and a popup appears displaying "PARENTAL CONTROL." Subscribers may temporarily unlock a channel or program only with the PIN. Unlocking a channel applies only through the duration of the specific program; for instance, where an adult has temporarily unlocked a TV-MA program, all TV-MA programming on that channel will continue to be blocked after the end of the individual program. In addition, program locks apply to all content that is rated "higher" by the MPAA or the TV Ratings Board than the locked programming. That is, if a subscriber locks content with a PG rating, all content rated PG-13, TV-14, TV-MA, R, NC-17 and Unrated Adult is also automatically locked. In sum, DIRECTV, DISH Network, and VOOM empower subscribers with easy and effective means to control the programming they receive.

In its inquiry, the Commission also seeks comment on whether it would be in the public interest to have "safe harbor" restrictions on violent programming content.<sup>6</sup> As

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<sup>5</sup> See [http://www.voom.com/see\\_it/osmenu.jsp](http://www.voom.com/see_it/osmenu.jsp).

<sup>6</sup> NOI at ¶ 22.

noted above, any regulation in this area is both unwarranted by the marketplace solutions DBS providers are offering and would have to withstand exacting jurisdictional and constitutional scrutiny. However, SBCA notes a practical implication of the FCC's request for comment on the applicability of "safe harbor" provisions to DBS. A safe harbor for DBS would be extremely difficult to administer because of the effect of time zone differences on a national feed. For example, a three hour "safe harbor" would become a six hour block out for the continental U.S. for DBS, which doubles the burden of the DBS providers to offer suitable programming under the law and places satellite systems at a competitive disadvantage to cable operators.

Finally, the Commission seeks comment on the positive aspects of television programming currently available to consumers.<sup>7</sup> The DBS industry is pleased to report that it provides an abundant amount of channels and pay-per view programming aimed at children and families, such as Nickelodeon, the Disney Channel, Cartoon Network, TV Land, PAX TV, Animal Planet, and the Discovery Networks. The DBS industry promotes such channels in their tier-based system and most, if not all channels are included in the operators' basic service tiers. Along with the DBS industry's demonstrated commitment to giving subscribers control over satellite-delivered programming through effective set-top box controls, the marketplace is already addressing the desire for family-friendly programming on widely-viewed tiers

SBCA appreciates the opportunity to help the Commission build a record on this important subject. SBCA is proud of its response to customers' and regulators' concerns about programming content and believes that the marketplace affords the best mechanism

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<sup>7</sup> NOI at ¶ 29.

for empowering consumers to block programming they don't want and to obtain programming they do want. Given the significant legal constraints on any regulation of satellite-delivered programming, and the pace of technological change in this dynamic industry, SBCA urges the Commission to continue to allow the market to give subscribers the tools needed to exercise control over programming content.

Respectfully submitted,

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